

Adoption Disclosure

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Some important definitions

Some words and phrases in this pamphlet have specific definitions which you must understand if you are to read it correctly. Here are some key words and what they mean:

Adopted person: a person who has been legally adopted in Ontario.

Birth parent: an adopted person's biological mother or father, and a person whose consent to the adoption was given or dispensed with.

Birth sister, birth brother: a child of the same birth parent as an adopted person (can include a birth parent's adopted child or a person whom the birth parent has demonstrated a settled intention to treat as a child of his or her family).

Birth grandparent: any parent of a birth parent.

Birth relative: a birth sister or birth brother, aged 18 or over, or a birth grandparent of an adopted person.

Adoptive parent: a person who has legally adopted a child.

Identifying information: information whose disclosure, alone or in combination with other information, will in the circumstances reveal the identity of the person to whom it relates.

Non-identifying information: any information that is not identifying information; for example, general information about ethnic background.

Adoption Unit: a unit of the Ontario Ministry of Community and Social Services that maintains provincial adoption records, and operates the Adoption Disclosure Register.

Adoption Disclosure Register: a register operated by the Adoption Unit of the Ontario Ministry of Community and Social Services, for the purpose of registering persons' requests for reunion and searches related to adoptions in Ontario.

The Registrar: the Registrar of Adoption Information (also referred to as the Registrar of the Adoption Disclosure Register), an employee of the Ministry of Community and Social Services who is responsible for maintaining the Adoption Disclosure Register.

Child and Family Services Review Board: a review board under the *Child and Family Services Act, 1984*, one of whose duties is to review decisions to refuse non-identifying or identifying adoption information to which a person is otherwise entitled.

How much adoption information is on file?

Information about adoptions completed in Ontario may be on file in any one of several places.

Children's aid societies keep files on the adoptions they arrange. Since 1979, when agencies and individuals could be licensed to place children for adoption, they too have kept adoption files. The Ontario government has also kept records of all adoptions completed in the province since 1921.

The basic record for any adoption consists of certain legal papers and any background information on the adopted person's birth family that was gathered at the time of the adoption, information on the adoptive family and information on the adopted person. Usually there is no information on the record after the adoption order has been signed.

The Ontario government now encourages adopted persons, adoptive parents, birth parents, and birth relatives to update adoption records with important information.

Depending on how much information was collected initially and how much updated material has been provided, the file on the adoption in which you were involved may contain a fair amount. Or it may contain very, very little.

What kind of adoption information is on file?

Information about an adoption can be divided into two kinds.

Non-identifying Information. This information gives general background, but does not identify any individuals.

If you are an adopted person, this might include information about your birth parents' ethnic background, type of occupation, level of education, religious affiliation, and interests. It might also include the general circumstances that led to the adoption, and any non-identifying medical information about your birth parents or birth family.

If you are a birth parent or birth relative, non-identifying information may include general information about the adoptive family and any information which may be on file about the health and development of the adopted child.

Identifying Information. The second kind of information, available to you only under certain circumstances, is information that reveals the identity of another person involved in the adoption.

Non-identifying information

Who can obtain non-identifying information?

If you are an adopted person 18 or over, a birth parent, an adoptive parent, or a birth relative 18 or over, any non-identifying information on file about the adoption is available to you on request. Due to the number of requests received by societies for non-identifying information there could be a waiting period of 6 to 24 months or even longer before you would receive the information.

Can an adopted child under 18 obtain adoption information?

Adoptive parents are encouraged, at their own discretion, to share non-identifying information with their adopted children.

Adopted children under 18 can, with the consent of their adoptive parents, request non-identifying information, but it is usual for a counsellor to try to involve the adoptive family in the sharing of the information.

No identifying information is released to adopted children under 18, except when required in exceptional circumstances to protect a person's health, safety, or welfare.

Where can non-identifying information be obtained?

The place to contact to request non-identifying information is the children's aid society that arranged the adoption. The society is authorized to release to you any relevant non-identifying information they have on file.

If the adoption was arranged privately, your request should go to the licensed individual or agency who arranged it, or to the Adoption Unit of the Ontario Ministry of Community and Social Services in Toronto.

Should you not know who arranged the adoption, contact the Adoption Unit of the ministry.

The Children's Aid Society Social Worker or the adoption unit person who provides you with your non-identifying information is also able to answer any questions you may have.

Identifying information

Who can obtain identifying information?

Identifying information about the adoption in which you were involved is available to you, under certain circumstances, if you are an adopted person 18 or over, a birth parent, a birth grandparent, or a birth brother or sister 18 or over.

How is identifying information obtained?

Because the privacy of other individuals is involved, a series of steps is involved in obtaining it.

One of the first steps is to obtain all the available non-identifying information from the Children's Aid Society that handled your adoption. If your adoption was arranged privately (that is by a doctor or a lawyer) before 1979 the Adoption Unit has the adoption record but these records contain very little or no non-identifying information.

You can also register with the Adoption Disclosure Register. The Register is a record of adopted persons who want to obtain identifying information about their birth parents or birth relatives; and of birth relatives who want to obtain identifying information about children from whom they were parted by adoption, and who have now grown to adulthood.

It is maintained by the Adoption Unit.

You can have your name added to it by contacting either your local children's aid society, or the Adoption Unit. Registration simply involves filling out a form. Qualified staff are available to talk with you and to answer your questions before you complete the form.

You will be notified by mail that your application has been received. You will not hear from the Register again until there is a matching registration or, if you are an adopted person, until your search is to be started.

It is not necessary to obtain non-identifying information before entering your name in the Register.

Check of the Register for matching registrations:

Once your application has been received the staff of the adoption unit check to see if there is a matching registration.

If there is no matching registration your name will remain on the Register and you will be notified if some one registers for you at a later date. If you are an adopted person who wishes an active search for your birth relative your name will be placed on the waiting list for a search and you will be notified when your search is to begin.

It is not necessary to send any further application forms to the register. However it is imperative to keep the register informed of your current mailing address so that you can be contacted. This is your responsibility.

When a match is found you and the person with whom you are matching are notified by mail and given information about counselling. This counselling or information sharing is advised because the release of identifying information will have an impact on your life and those close to you. It can be given through "in person" interviews, telephone interviews or in some situations mailed out reading material. It need not be intensive or extensive if you and the other party are ready to sign the consent to the disclosure of identifying information. The counsellor's role is to facilitate the service people are requesting, relay any updated information between the matching parties and answer questions to ensure that people understand what they are doing when they give their consent to release identifying information.

Occasionally a person who has registered may decide not to consent to the release of his/her identifying information but does consent to receiving identifying information from the other party who has signed a consent to disclosure information. This exchange would be facilitated by the counsellor.

How are reunions arranged?

If you and the other party agree to exchange identifying information you may also wish to arrange a face to face reunion.

The counsellor, if you wish, is available to help to arrange the reunion. Such meetings take many forms, and the timing and circumstances are up to the individuals involved.

If you wish, the counsellor can also be present at the reunion and can help you deal with any questions you may have at that time.

It is important to note that, once you have registered with the Adoption Disclosure Register, you can decide at any point to withdraw from the process. If you later change your mind, you can contact the Register to continue the process.

How long does it take to obtain information?

Thousands of new applications to the Register are received each year and each application takes time to process so it could take 10 - 12 months from the time an application is fully processed and the name entered on the Register. There is an immediate check of the Register as each application is received and if this shows a possible match the application will be processed more quickly.

There is a lengthy waiting list of adopted adults requesting searches. As more people enter the Register, more matches will occur without the need for a search and this could reduce the waiting period for others.

How is the privacy of those who do not wish to be identified protected?

Under all but the most exceptional circumstances, information that could identify you to another person involved in the adoption cannot be released without your consent.

Several other safeguards also protect your privacy.

Searches for non-registered birth parents and birth relatives are conducted with great care for confidentiality. If, as a non registered birth parent or birth relative, you are located by a search you have a number of options:

- You can decide to enter the Register and proceed with the disclosure of identifying information and have direct contact with the adopted person
- You can decide to accept identifying information from the adopted person but not to release any identifying information on yourself to the adopted person;
- You can decide to only exchange non-identifying information with the adopted person through a letter and answer the adopted person's questions (for example almost all adopted persons are interested in receiving information about their birth family's medical history);
- Or you can decide to not be involved in any way.

The adoption unit staff will respect your decision and will not pressure you to do something against your will. If you choose not to be involved at the time you are contacted and change your mind later you can enter your name in the Register and the process will begin at that time.

If you are concerned about your identity becoming known or about being sought out, you may find it helpful to call a counsellor at the Adoption Unit or a children's aid society to discuss your concerns. You may also put on record the fact that you do not wish to be contacted or to have your identity disclosed.

In an emergency, or other special circumstances, can identifying information be released without the consent of the individual it identifies?

Under very exceptional circumstances, involving someone's health, safety, or welfare, the Registrar of Adoption Information can review the situation and make a decision to release identifying information without the consent of the person it identifies. However, the Registrar only exercises this authority when it is determined that the situation is life-threatening, or otherwise very serious. In most instances a search is necessary in order to obtain the needed information and that search is given priority. In order for the Registrar to make a decision in these situations detailed written information from a qualified professional, such as an attending doctor, is needed to support the request. Examples of such situations would be the need for an organ transplant from a birth relative, or passing on previously unknown information about a serious hereditary condition in the birth family which could affect the adopted person.

If a search uncovers the fact that an adopted person, birth parent, or birth relative has died or appears to lack the capacity to consent, the Registrar will also consider release of information identifying that person. Such a release is not automatic, however. The Registrar decides on a case by case basis, taking into account the situation of the people involved.

The identifying information released is from the adoption record that was gathered at the time of the adoption - not current information.

Will the Ontario government search for any person involved in an adoption?

The adopted person can request a search for a birth mother, a birth father when records show that he acknowledged that he was the biological father, birth grandparents or adult birth siblings. The search is conducted by the Adoption Unit staff based on information on record and great care is taken to keep the search discreet and confidential. The search will continue as long as the unit has reasonable leads to follow.

The present legislation does not authorize the Registrar to search for an adopted person at the request of a birth parent or birth relative or to search on behalf of an adopted person under the age of 18 unless the need for the search falls under the emergency or special other 'circumstances' provisions described on page 13.

If you are an adopted person who has registered with the Adoption Disclosure Register and wish a search, your name will be placed on a waiting list until your search begins. Due to the large volume of requests there is a lengthy waiting period. Searches are begun according to the date the adopted person entered their name in the Register.

It is your responsibility to advise the Register of any change of address or telephone number.

Does an adopted person's reunion with the birth family weaken relationships in the adoptive family?

Adoptive parents sometimes fear that their adopted son's or daughter's contact with a birth parent may weaken or destroy a relationship it has taken years to build. In fact, studies show that in almost every case where adoptive parents support their adult children's quest for information, relationships in the adoptive family are strengthened.

However, if adoptive parents, whose grown children are in the process of making contact with birth parents, request counselling services the Adoption Unit will assist in locating appropriate resources for them.

Can adoption information be withheld?

In very exceptional and rare circumstances, where there is reason to believe that the release of information may result in serious physical or emotional harm to someone, that information may be withheld.

This decision to withhold information is given in writing.

If the person who has been refused information disagrees with the decision, he or she has a right to a hearing before the Child and Family Services Review Board.

How can information be obtained about adoptions completed outside Ontario?

If your adoption was planned and completed entirely outside Ontario, no information will be on file in this province. However, the staff of the Adoption Unit of the Ministry of Community and Social Services will probably be able to refer you to the appropriate authority outside Ontario to help you pursue your inquiries.

If, however, the adoption took place from Ontario but was completed elsewhere, the children's aid society, licensed individual, or agency that arranged it, or the Adoption Unit can release to you any relevant non-identifying information it has on file. Should you wish to know more, the Unit can advise you about the appropriate steps to take.

Other Resources

Support groups such as Parent Finders and Triad are active in some of the larger centers. These groups provide peer support and search help to persons requesting this.

There are independent counsellors, search consultants and private agencies willing to assist adoptees and birth relatives.

Telephone Directories, Community Information Centers or the local Children's Aid Societies can tell you what is available in your community.

If you want to know more about the disclosure of adoption information in Ontario and how it could affect you, contact the Adoption Unit or a children's aid society. Your inquiry will be handled in complete privacy.

The Adoption Unit

Ministry of Community and Social Services
2 Bloor Street West, 24th Floor
Toronto, Ontario M7A 1E9
(416) 327-4730

To find the name and address of the nearest children's aid society, consult your telephone directory.

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